

***MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION***

JANUARY 27, 2000

The Fauquier County Planning Commission held its regular meeting on Thursday, January 27, 2000, beginning at 3:00 P.M. in the Meeting Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Those members present were Mr. Richard Robison, Chairman; Mr. Bob Sinclair, Vice Chairman; Mr. Serf Guerra, Secretary; Mr. Mark Rohrbaugh and Mr. Jim Green. Also present at the meeting were Mr. Rick Carr, Mr. Randy Hodgson, Mrs. Denise Harris, Mr. Lou Mosurak, Mrs. Carolyn Bowen and Mr. Don Margraf.

1. ELECTION OF OFFICERS

a. Chairman

Mr. Guerra nominated Mr. Robison as Chairman and the nomination was seconded by Mr. Sinclair. The nomination carried unanimously.

b. Vice Chairman

Mr. Green nominated Mr. Sinclair as Vice Chairman and the nomination was seconded by Mr. Rohrbaugh. The nomination carried unanimously.

c. Secretary

Mr. Rohrbaugh nominated Mr. Guerra as Secretary and the nomination was seconded by Mr. Sinclair. The nomination carried unanimously.

2. ADOPTION OF BYLAWS

Mr. Guerra stated that under Roberts Rules a second to a motion is not necessary for small public bodies. He further stated that the Code of Virginia does require a yes, no or abstention from each member, and stated there have been times when he has not made a decision since there was not enough information or issues needing resolution.

Mr. Green asked if there has ever been a case where the Commission does not vote and Mr. Burke replied that members have abstained in the past.

Mr. Rohrbaugh stated that the Commission normally makes a vote one way or the other, or tables action until the next month for a decision, which is what they are here to do.

Mr. Sinclair stated that he agrees with Mr. Rohrbaugh and that the Bylaws should be left as currently written unless this is causing harm.

Mr. Burke stated that the Commissioners are supposed to vote on matters before them.

Mr. Rohrbaugh asked what happens if all five Commissioners abstain and Mr. Carr stated that 2-2 votes go forward to the Board with no recommendation. Mr. Rohrbaugh further asked about putting in a provision if the meetings are running too late that no new cases be introduced after 10:30-11:00 P.M.

Mr. Robison stated that Loudoun County goes until 10:30 P.M. and that he is thinking possibly 11:00 P.M.

Mr. Carr stated that it is not unusual to have a policy that no new cases on the agenda would be heard, for example, after 10:30. The legal ad for the Planning Commission would have to state that policy and how the agenda would be completed. The language and policy needed further work by the Department and County Attorney if the Planning Commission wished to pursue this further.

Mr. Robison stated that it could be advertised that no new cases will be heard after 11:00 P.M. but this may be waived if necessary.

On motion made by Mr. Guerra and seconded by Mr. Rohrbaugh, it was moved to postpone action on the time limit for public hearings. The motion carried unanimously.

On motion made by Mr. Guerra and seconded, it was moved to approve the Bylaws as currently written. The motion carried unanimously.

3. **COMMITTEE ASSIGNMENTS**

Mr. Carr reviewed his staff memorandum, a copy of which is attached to and made a part of these official minutes.

Mr. Guerra stated that he has a high interest in fiduciary matters and would like to be involved with the Fiscal Impact Modeling Advisory Committee.

Mr. Sinclair asked Mr. Robison if he would like to continue on the ARB and Mr. Robison replied yes.

Mr. Sinclair further stated that he would like to be on the Transportation Committee.

Mr. Rohrbaugh asked if the Airport Committee needs representation from the Commission and Mr. Carr replied no.

The Committee assignments are as follows:

- a. Capital Improvements Plan Committee - Richard Robison
- b. Fiscal Impact Modeling Advisory Committee (FIMAC) - Serf Guerra

- c. Transportation Committee - Bob Sinclair
- d. Architectural Review Board - Richard Robison

4. **APPROVAL OF MINUTES - OCTOBER 28, 1999, AND DECEMBER 16, 1999**

On motion made by Mr. Guerra and seconded by Mr. Rohrbaugh, it was moved to approve the minutes of October 28, 1999, as amended.

Mr. Green abstained from voting on the October 28, 1999, minutes in that he was not a Commissioner at that time.

The motion carried 4-0-1 with Mr. Green abstaining.

Mr. Robison made several changes to the December 16, 1999, minutes.

On motion made by Mr. Guerra and seconded by Mr. Rohrbaugh, it was moved to approve the minutes of December 16, 1999, as amended.

Mr. Green abstained from voting on the December 16, 1999, minutes in that he was not a Commissioner at that time.

The motion carried 4-0-1 with Mr. Green abstaining.

Mr. Guerra stated that he was not present at the meeting when the November minutes were discussed. He stated that on Page 11 (MERCOREALTY CORPORATION) it states that there will be 50-70 employees and 25 million a year in taxes. He stated that the word "sales" should be substituted for "taxes" in this sentence.

On motion made by Mr. Guerra and seconded by Mr. Rohrbaugh it was moved to approve the amended minutes of November 18, 1999.

Mr. Green abstained from voting on the November 18, 1999, minutes in that he was not a Commissioner at that time.

The motion carried 4-0-1 with Mr. Green abstaining.

5. **ZONING ORDINANCE TEXT AMENDMENT** - amend Section 5-917.1 to permit lighting
at

golf practice facilities.

Mr. Margraf review his staff memorandum, a copy of which is attached to and made a part of these official minutes.

Mr. Sinclair stated that this has been going on since June 1999. He stated that there was a lighting demonstration last week at the site. He stated that this amendment is not in conformance with the New Baltimore Service Plan.

On motion made by Mr. Sinclair and seconded by Mr. Robison, it was moved to recommend denial of the text amendment.

Mr. Rohrbaugh stated that he was not present at the demonstration and that some lighting should be allowed.

Mr. Sinclair stated that it was the intent and desire of the New Baltimore Group that commercial development north of Route 29 would be held in place. He stated that he has received letters in opposition to this request.

Mr. Tom Ross stated that this is a lighting system that will not be intrusive and that lights can be erected at a farm by-right.

Mr. Green asked the zoning of the nursery and driving range and was told that the nursery is zoned Rural Agriculture and is allowed by a 1972 Use Permit, and the driving range is zoned Rural Agriculture and is allowed by a special permit. He further stated that when you enter Marshall on Route 17 the right side of the road is commercial and the left side is residential.

Mr. Rohrbaugh stated that the Shell Station puts out a tremendous amount of light.

Mr. Sinclair stated that he supports the intent of the New Baltimore Study Group.

The motion failed 2-3 with Mr. Rohrbaugh, Mr. Guerra and Mr. Green voting against the motion.

On motion made by Mr. Green and seconded by Mr. Rohrbaugh, it was moved to recommend approval of the text amendment. The motion carried 3-2 with Mr. Sinclair and Mr. Robison voting against the motion.

6. **SPECIAL EXCEPTION (#SE99-CR-46) - MELVIN SCOTT AND CAROLYN L.**

CHAMBERS, OWNERS, AND DONALD R. THARPE, APPLICANT - LIBERTY STATION AT BEALETON - applicant wishes to obtain special exception approval under Category 11 of the Zoning Ordinance to allow for parking facilities (public/private). The property is zoned Rural Agriculture (RA), contains 64.5190 acres, and is located on Bealeton Road (Route 805) approximately 1 mile east of Marsh Road (Route 17), Cedar Run District. (PIN #6899-85-6796-000)

Mr. Robison stated that Mr. Tharpe has sent a letter requesting that the special exception be postponed until the February meeting.

On motion made by Mr. Rohrbaugh and seconded by Mr. Robison, it was moved to postpone the special exception, at the request of the applicant, until the February meeting for further review and for a site visit. The motion carried unanimously.

7. **REZONING REQUEST (#RZ99-M-09) - HENRY CLAY LANE, JR., OWNER, AND MERCO**

REALTY CORPORATION, APPLICANT - applicant wishes to rezone 9.183 acres from R-4 to Commercial Highway (C-2) in order to accommodate retail outlets. The property is located on the northeast side of Winchester Road (Business Route 17), Marshall District. (PIN #6969-98-3167-000)

Mrs. Harris reviewed her staff memorandum, a copy of which is attached to and made a part of these official minutes. She stated that the applicant has asked that the rezoning be postponed until the February meeting.

On motion made by Mr. Green and seconded by Mr. Rohrbaugh, it was moved to postpone the rezoning, at the request of the applicant, until the February meeting for further review. The motion carried unanimously.

8. **PRELIMINARY PLATS**

a. **#PP99-S-15 - LOUIE & SHIRLEY WALKER,**

OWNERS/APPLICANTS - applicants

wish to obtain preliminary plat approval to subdivide 7.09 acres into six (6) lots. The property is zoned R-1 and is located off the south side of Routes 15/29, between Baldwin Street (Route 673) and Pendleton Lane, Scott District. (PIN #6995-98-3229-000 and #6995-98-1794-000)

Mr. Hodgson reviewed his staff memorandum, a copy of which is attached to and made a part of these official minutes. He stated that the applicant has requested that the plat be postponed until the February meeting.

On motion made by Mr. Sinclair and seconded by Mr. Green, it was moved to postpone the preliminary plat, at the request of the applicant, until the February meeting for further review. The motion carried unanimously.

b. **#PP99-S-26 - GEORGE W. & CARMEN B. GRAYSON, OWNERS, AND B. G.**

STEPHENS EXCAVATING, LLC, APPLICANT - applicant wishes to obtain preliminary plat approval to subdivide 17.71 acres into six (6) lots. The property is zoned Village and is located off of Georgetown Road (Route 674), Scott District. (PIN #7906-24-5038-000)

Mr. Hodgson reviewed his staff report, a copy of which is attached to and made a part of these official minutes.

On motion made by Mr. Sinclair and seconded by Mr. Guerra, it was moved to approve the preliminary plat subject to the following conditions:

- The County recommends that no below grade basements be constructed on soil mapping units 415B, 417B, and 17B due to wetness unless the foundation drainage system of the structure is designed by a Virginia Licensed Professional Engineer.
- The foundation drainlines should be daylighted for gravity flow on all structures.
- The soils where the drainfields are proposed are definitely the best soils on the property for subsurface sewage disposal systems. The following statement needs to be put on the final drainfield plat: "Before a home is started the builder needs to mark the drainfield area off and not disturb it during construction".
- The issues of a turnaround on Farrington Lane will be resolved to the Virginia Department of Transportation satisfaction prior to approval of the final plat.

The motion carried unanimously.

9. **BOARD OF ZONING APPEALS AGENDA**

a. **APPROVAL OF THE DECEMBER 2, 1999, AND JANUARY 6, 2000, MINUTES**

b. **APPEAL (#45132) - SALAHY FAMILY LIMITED PARTNERSHIP/THE OASIS**

WINERY/DIRGHAM AND CORINE SALAHY, OWNERS - owners have filed an appeal to certain determinations made by the Zoning Administrator in a letter dated December 8, 1999. The owners are appealing decisions regarding qualifying a wine tasting dinner held on December 17, 1999, as a Class C Event, and specifically, subject to the thirty day notice provision and the limit on the hours of operation. The subject property is identified as PIN #5998-87-0439-000 and PIN #5998-88-4344-000, located at 14141 Hume Road (Route 635) near Hume, containing approximately 99.72 acres, and is zoned Rural Agriculture (RA), Marshall District.

At the request of the owners' attorney, John Foote, they have requested that the appeal be postponed until the March 2, 2000, meeting.

c. **VARIANCE (#45231) - EDWARD S. PEARSON, JR. & ARLENE V. RAMSEY AND**

OTHERS, OWNERS - applicant has requested a variance to the setback requirements from an Interstate Highway. Applicant wishes to build a dwelling on each parcel fifty (50) feet from the property line, wherein the Zoning Ordinance requires two hundred (200) feet. The subject properties are identified as PIN #6001-84-5575-000 containing 2.17 acres, and PIN #6001-84-3502-000 containing 1.83 acres, located on John Marshall Highway (Route 55) and Interstate 66, near Linden, and are zoned Village, Marshall District.

The Commission made no comments.

There being no further business, the meeting was recessed at 4:08 P.M.

The Fauquier County Planning Commission reconvened its regular meeting on Thursday, January 27, 2000, at 7:00 P.M. for public hearings, in the Meeting Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Those members present were Mr. Richard Robison, Chairman; Mr. Bob Sinclair, Vice Chairman; Mr. Serf Guerra, Secretary; Mr. Mark Rohrbaugh and Mr. Jim Green. Also present at the meeting were Mr. Rick Carr, Mr. Randy Hodgson, Mr. Lou Mosurak, Mrs. Denise Harris and Mrs. Carolyn Bowen.

Mr. Robison thanked the Commission for their support in electing him Chairman and also welcomed Mr. Jim Green to the Commission. He further stated that the public will be limited to 3 minutes per person on any public hearing items and that the owner/applicant/agent will be allowed a longer period. He stated that this is not a question and answer session. He asked that anyone speaking give their name and the district they live in or where they are from and also to spell their last name.

10. **CITIZENS TIME**

No one spoke.

11. **COMPREHENSIVE PLAN CONFORMANCE DETERMINATION AND SPECIAL**

EXCEPTIONS

a. **#CPD99-M-01 AND #SE99-M-28 - WOODBOURNE FARMS, INC., OWNER, AND**

AMERICAN TOWER CORPORATION, APPLICANT - applicant has requested County determination as to whether the location of a telecommunications facility associated with #SE99-M-28 is in accord with the Code of Virginia, Section 15.2-2232. Applicant also wishes to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for the construction of a 190' communications tower and related equipment. The property is zoned Rural Agriculture (RA), contains 465 acres, and is located on Woodbourne Lane, Marshall District. (PIN #6963-52-7038-000)

This application was withdrawn by the owner, therefore, no action was taken by the Commission.

b. **#CPD99-S-02 AND #SE99-S-29 - L. J. EVANS, OWNER, AND AMERICAN TOWER**

CORPORATION, APPLICANT - applicant has requested County determination as to whether the location of a telecommunications facility associated with #SE99-S-29 is in accord with the Code of Virginia, Section 15.2-2232. Applicant also wishes to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for the construction of a 190' communications tower and related equipment. The property is zoned Rural Agriculture (RA), contains 46 acres, and is located on the east side of Route 15/29, Scott District. (PIN #6041-43-4668-000)

This application has been postponed and will be readvertise for the February meeting, therefore, no action was taken by the Commission.

c. **#CPD99-L-03 AND #SE99-L-30 - CHANTILLY FARMERS SUPPLY COMPANY,**

INC., OWNER, AND AMERICAN TOWER CORPORATION, APPLICANT - applicant has requested County determination as to whether the location of a telecommunications facility associated with #SE99-L-30 is in accord with the Code of Virginia, Section 15.2-2232. Applicant also wishes to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow the construction of a 190' monopole type communications tower and related equipment. The property is zoned Commercial-2 (C-2), contains 5.1 acres, and is located on James Madison Highway (U.S. Routes 15/17/29) between Routes 651 and 687, Lee District. (PIN #6981-16-7415-000)

Mr. Hodgson reviewed his staff report, a copy of which is attached to and made a part of these official minutes.

Mr. Robison opened the public hearing.

Mr. Merle Fallon, attorney representing American Tower Corporation, stated that each of the tower applicants has been recommended for denial by staff based on FAA Certification as one reason. He stated that the Ordinance does not require this and further stated that the FAA Certification on each site were presented to staff earlier in the day. He stated that the propagation studies were provided in December and have been lost, therefore, were not reviewed by the consultant. He further stated that he neglected to provide staff with the Engineers Affidavit in December and did provide it to them earlier in the day. He stated that this tower fills in holes in the existing system. He showed the Commission a map of where existing towers are located.

Mr. Sinclair stated that the map shows only one tower on Bull Run Mountain (the FAA Radar Dome). He stated that there are 5-6 other towers in this area and Mr. Fallon replied that they are in Prince William County.

Mr. Fallon stated that the Campbell tower, which has been approved, is not shown on the map.

Mr. Guerra asked what wattage the study was made at, and Mr. Alvin Whettstone, stated at 100 watts.

Mr. Fallon stated that the Chantilly site has been recommended for denial because of the following reasons:

- The FAA has limited to tower height to 140 ft. Mr. Fallon stated that this will mean that another tower will be needed in this area.
- FAA Certification has not been provided. Mr. Fallon stated that this was submitted to staff earlier in the day.
- Application indicates a monopole type tower. Mr. Fallon stated that the Statement of Justification states either a lattice or monopole tower.

The following citizens spoke in opposition to the request:

- Mr. Jim Stone, Cedar Run District
- Mr. David DeGive, Marshall District

In that no one else appeared to speak for or against the request, Mr. Robison closed the public hearing.

Mr. Fallon stated that the applicant has requested postponement until the February meeting on all six (6) tower applications.

On motion made by Mr. Guerra and seconded by Mr. Sinclair, it was moved to postpone the application, at the request of the applicant, until the February meeting for further review. The motion carried unanimously.

d. **#CPD99-CR-04 AND #SE99-CR-31 - MYLOUS M. MARSENGILL, OWNER, AND**

AMERICAN TOWER CORPORATION, APPLICANT - applicant has requested County determination as to whether the location of a telecommunications facility associated with #SE99-CR-31 is in accord with the Code of Virginia, Section 15.2-2232. Applicant also wishes to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for the construction of a 190' monopole type communications tower and related equipment. The property is zoned Rural Agriculture (RA), contains 27.4 acres, and is located on Dumfries Road (Route 605), Cedar Run District. (PIN #7932-48-5817-000)

Mr. Hodgson reviewed his staff report, a copy of which is attached to and made a part of these official minutes.

Mr. Robison opened the public hearing.

Mr. Merle Fallon, attorney representing American Tower Corporation, stated that the FAA Certifications were submitted to staff earlier in the day and that the propagation maps would be submitted shortly. He stated that he does not feel that this site is aesthetically out of character with the area and should not be consider this way. He stated that this tower is proposed to be 100 ft. off of the road and far enough away from the property line.

Mrs. Jolly DeGive, Marshall District, spoke in opposition to this request and asked that the Commission consider these tower applications very carefully.

In that no one else appeared to speak for or against the request, Mr. Robison closed the public hearing.

On motion made by Mr. Rohrbaugh and seconded by Mr. Guerra, it was moved to postpone the application, at the request of the applicant, until the February meeting for further review. The motion carried unanimously.

e. **#CPD99-M-05 AND #SE99-M-32 - PHILIP L. WHITESIDE, OWNER, AND**

AMERICAN TOWER CORPORATION, APPLICANT - applicant has requested County determination as to whether the location of a telecommunications facility associated with #SE99-M-32 is in accord with the Code of Virginia, Section 15.2-2232. Applicant also wishes to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for the construction of a 190' monopole type communications tower and related equipment. The property is zoned Rural Agriculture (RA), contains 46.63 acres, and is located on Old Waterloo Road (Route 678), Marshall District. (PIN #6974-06-7342-000)

Mr. Hodgson reviewed his staff report, a copy of which is attached to and made a part of these official minutes.

Mr. Robison opened the public hearing.

Mr. Merle Fallon, attorney representing American Tower Corporation, stated that they will submit a revised site plan prior to the next meeting. He stated that the existing site plan

shows the site 300 feet off of Route 678 and the site is actually 600 feet off of Route 678, further up the hill. He stated that this application is for a 190 foot tower which is needed to serve Route 211. He stated that there is nothing in the ordinance about locating close to a Scenic Byway and that the Historic Site register has never been approved or published. He again stated that the propagation maps and FAA Certifications were submitted to staff earlier in the day.

Mr. Philip Whiteside stated that this site was chosen so that the tower would not be seen from any road or driveway and not irritate the neighbors.

Mr. Sinclair asked how far this property is from Culpeper County and Mr. Whiteside replied 3-5 miles. He further asked if there is anything in Culpeper County that will serve this area and Mr. Fallon replied no.

The following citizens spoke in opposition to the request:

- Starr Milihram, 8162 Old Waterloo Road,
- Janet Colwell Spencer, neighbor,
- David DeGive, Marshall District,
- Gary John, adjoining property owner, and
- Ann McCarty, Marshall District.

In that no one else appeared to speak for or against the request, Mr. Robison closed the public hearing.

Mr. Carr stated that there are two (2) ongoing projects:

- CTA Corporation 911 Towers, and
- American Tower Corporation, tower siting plan (not approved by the Board of Supervisors).

On motion made by Mr. Green and seconded, it was moved to postpone the application, at the request of the applicant, until the February meeting for further review. The motion carried unanimously.

f. #CPD99-L-06 AND #SE99-L-33 - LELA FALLER, OWNER, AND AMERICAN

TOWER CORPORATION, APPLICANT - applicant has requested County determination as to whether the location of a telecommunications facility associated with #SE99-L-33 is in accord with the Code of Virginia, Section 15.2-2232. Applicant also wishes to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for the construction of a 190' monopole type communications tower and related equipment. The property is zoned Rural Agriculture (RA), contains 8.57 acres, and is located on

Weaversville Road (Route 662), Lee District. (PIN #6980-40-6265-000)

Mr. Hodgson reviewed his staff report, a copy of which is attached to and made a part of these official minutes.

Mr. Robison opened the public hearing.

Mr. Merle Fallon, attorney representing American Tower Corporation, stated that the FAA would like to have the lower than 190'. He stated that the existing water tower does not have enough height and that there are no existing towers in the area that meet their needs.

Mr. Sinclair asked how tall the water tank is and Mr. Fallon replied 85 feet.

Mr. Carl Faller stated that this proposed tower will be located behind a large barn and large cedar trees. He stated that these towers are needed and that 911 service is needed in Southern Fauquier County.

In that no one else appeared to speak for or against the request, Mr. Robison closed the public hearing.

Mr. Rohrbaugh asked if FAA has requested the tower be lowered due to the Airport Overlay District and Mr. Fallon replied that the FAA has asked for 165 feet but the may certify it back to 190 feet.

Mr. Fallon stated that he is not sure if this property is in the Airport Overlay District and Mr. Rohrbaugh asked if he will know by February and Mr. Fallon replied that he is not sure.

On motion made by Mr. Guerra and seconded by Mr. Rohrbaugh, it was moved to postpone the application, at the request of the applicant, until the February meeting for further review. The motion carried unanimously.

**g. #CPD99-CR-07 AND #SE99-CR-34 - GF DEVELOPMENT, LLC,
OWNER, AND**

AMERICAN TOWER CORPORATION, APPLICANT - applicant has requested County determination as to whether the location of a telecommunications facility associated with #SE99-CR-34 is in accord with the Code of Virginia, Section 15.2-2232. Applicant also wishes to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for the construction of a 190' monopole type communications tower and related equipment. The property is zoned Rural Agriculture (RA), contains 136.82 acres, and is located on Rogues Road (Route 602), Cedar Run District. (PIN #7901-70-0869-000)

Mr. Hodgson reviewed his staff report, a copy of which is attached to and made a part of these official minutes.

Mr. Merle Fallon, attorney representing American Tower Corporation, stated that FAA has requested 180 feet, the Norfolk/Southern Tower is not available, it will not be visible from Crockett Park and will not be lighted.

Mr. Sinclair asked Mr. Fallon if he has contacted Norfolk/Southern and Mr. Fallon stated

that he will do so.

The following citizens spoke in opposition to the request:

- Samantha Kang
- Pete Johnson, Fairfax County, President of Northern Virginia Astronomy Club

Mr. Fallon stated that lighting will not be needed for aviation safety.

In that no one else appeared to speak for or against the request, Mr. Robison closed the public hearing.

On motion made by Mr. Rohrbaugh and seconded by Mr. Robison, it was moved to postpone the application, at the request of the applicant, until the February meeting for further review. The motion carried unanimously.

h. **#CPD99-CR-08 AND #SE99-CR-35 - WILLIE H. AND KATHERINE M.**

WASHINGTON, OWNERS, AND AMERICAN TOWER CORPORATION, APPLICANT

- applicant has requested County determination as to whether the location of a telecommunications facility associated with #SE99-CR-35 is in accord with the Code of Virginia, Section 15.2-2232. Applicant also wishes to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for the construction of a 190' monopole type communications tower and related equipment. The property is zoned Rural Agriculture (RA), contains 8.58 acres, and is located on Ritchie Road (Route 644), Cedar Run District. (PIN #7808-21-7316-000)

Mr. Hodgson reviewed his staff report, a copy of which is attached to and made a part of these official minutes.

Mr. Rohrbaugh asked how close this property is to the Flying Circus and Mr. Hodgson replied $\frac{3}{4}$ mile.

Mr. Robison opened the public hearing.

Mr. Merle Fallon, attorney representing American Tower Corporation, stated that this proposed tower is 175 feet from the lane of traffic and meets the requirements of the ordinance.

Mr. Guerra stated that he uses Route 644 and that planes do fly over this area.

Mr. Robison asked if lighting will be required and Mr. Fallon replied no.

Mr. Norman Moore, Marshall District, member of Flying Circus, stated that they do not use cell phones in planes and that the location is not bad for them. He stated that there is an airstrip across Route 17 and that they can live with this as proposed as long as it is not moved further east or made higher.

Mr. Mike Summer, Center District, Board of Director of Flying Circus, spoke in opposition to the request and stated that the proposed tower is in the path of their primary runway.

Mr. Sinclair asked if aircraft lands that are not hangared there, and Mr. Summer replied yes.

In that no one else appeared to speak for or against the request, Mr. Robison closed the public hearing.

On motion made by Mr. Rohrbaugh and seconded by Mr. Guerra, it was moved to postpone the application, at the request of the applicant, until the February meeting for further review. The motion carried unanimously.

i. **#CPD00-CR-01 AND #SE99-CR-42 - CATLETT VOLUNTEER FIRE COMPANY,**

OWNER, AND CROWN CASTLE ATLANTIC, LLC, AND BELL ATLANTIC MOBILE SYSTEMS, INC., APPLICANT - applicants have requested County determination as to whether the location of a telecommunications facility associated with #SE99-CR-42 is in accord with the Code of Virginia, Section 15.2-2232. Applicants also wish to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for a telecommunications facility. The property is zoned Commercial-1 (C-1), contains 9.98± acres, and is located on Catlett Road (Route 28) at Gaskins Lane (Route 769); adjacent to the South Railway Line, Cedar Run District. (PIN #7922-93-4822-000)

Mr. Robison stated that this has been postponed at the request of the applicant and will be readvertise for February, therefore, no action was taken.

12. **SPECIAL EXCEPTIONS**

a. **#SE99-M-47 - SALAHY FAMILY LIMITED PARTNERSHIP/OASIS WINERY,**

OWNER/APPLICANT - applicant has filed an application for special exception renewal under Category 5-916, Spectator and Non-Spectator Field Events and Activities (Class C). The property is zoned Rural Agriculture (RA), contains 108.1851 acres, and is located on Hume Road (route 635), Marshall District. (PIN #5998-88-4344-000 and #5998-87-0439-000)

Mrs. Harris reviewed her staff report, a copy of which is attached to and made a part of these official minutes.

Mr. Robison opened the public hearing.

Mr. John Foote, attorney representing the owner/applicants, stated that they have scheduled a meeting in February with Mr. James Moorman to discuss issues of concern with the neighbors. He also stated the following:

- revised special exception plat is not yet completed,

- this facility is an asset to Fauquier County,
- 60-70% of the wines are sold at the winery,
- winery is allowed by-right,
- a suitable solution will be found for amplified music,
- the proposed conditions form a basis for further conditions, and
- the existing conditions need improvement, revision and amendment.

General John Douglas, Marshall District, spoke in favor of the request.

The following citizens spoke in opposition to the request:

- Jim Moorman, Marshall District
- David Arnold, Huntley, Virginia,
- Bill Duvall, Marshall District,
- Leslie Arnold, Huntley, Virginia,
- Lorraine Kesting, Marshall District, and
- Brenda Moorman, Marshall District.

In that no one else appeared to speak for or against the request, Mr. Robison closed the public hearing.

Mr. Robison stated that a lot of concerns have been raised about this application.

Mr. Green stated that he has talked with Mr. Foote and the neighbors and stated that he is startled with the increase that has been asked for by the applicants.

On motion made by Mr. Green and seconded by Mr. Rohrbaugh, it was moved to postpone the special exception until the February meeting for further review. The motion carried unanimously.

b. **#SE99-CR-50 - JAMES ARTHUR SHARP, OWNER/APPLICANT -**
applicant wishes

to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for a “whitewater” system (Type 3) in lieu of a conventional drainfield. The property contains 2.77 acres and is located on Beach Road (Route 616), Cedar Run District. (PIN #6992-92-0127-000)

Mr. Mosurak reviewed his staff report, a copy of which is attached to and made a part of these official minutes.

Mr. Robison opened the public hearing.

Mr. Sharp stated that he has owned this property for 40 years and would like to be able to build on it.

In that no one else appeared to speak for or against the request, Mr. Robison closed the public hearing.

On motion made by Mr. Rohrbaugh and seconded by Mr. Sinclair, it was moved to recommend approval of the request subject to the following conditions:

1. Only the Type 3 "Whitewater" System shall be used.
2. The system shall remain in compliance with all applicable state and local requirements at all times.
3. Should the system be found by the County Health Department to be failing, operations will cease.
4. The County Soil Scientist, County Engineer and County Health Department will be included and notified in the maintenance and monitoring of the system. A maintenance contract shall be required, and a monitoring and maintenance report shall be presented biannually to the Fauquier County Health Department.

The motion carried unanimously.

13. **COMPREHENSIVE PLAN CONFORMANCE DETERMINATION**
(#CPD99-L-09) -

HOWARD L. & JANE M. GROVE, OWNERS, AND NATIONAL COMMUNICATION TOWERS, APPLICANT - applicant has requested site location approval in accord with Code of Virginia, Section 15.2-2232, regarding the location of a telecommunications facility. The property is located on the west side of Shipps Store Road (Route 637) and Marsh Road (Route 17), Lee District. (PIN #7806-78-9041-000)

Mr. Hodgson reviewed his staff report, a copy of which is attached to and made a part of these official minutes.

Mr. Robison opened the public hearing.

Mr. John Sinclair, representing National Communication Towers, stated that they do have FAA compliance and that they did not know that this was a scenic byway.

Mr. Howard Grove stated that he did not know Route 806 was a scenic byway and asked that the Commission visit the site. He stated that they do not have cell phone coverage in this area of the County.

Mr. Elliott Harrigan, National Communication Towers, stated that this is the best possible location and asked that the application be postponed in order for the Commission to make a site visit.

In that no one else appeared to speak for or against the request, Mr. Robison closed the public hearing.

Mr. Guerra stated that the special exception on this request was denied by the Commission nine (9) months ago and that the Board has referred it back to the Commission.

On motion made by Mr. Guerra and seconded by Mr. Rohrbaugh it was moved to postpone the request until the February meeting for further review. The motion carried unanimously.

14. **SUBDIVISION AND ZONING ORDINANCE AMENDMENTS** - amendments to the

Subdivision and Zoning Ordinance to eliminate any additional by-right divisions which might be available under proportionate share methodology when applicants choose the large lot divisions and the lots resulting are less than 100 acres in size.

Mr. Hodgson reviewed his staff report, a copy of which is attached to and made a part of these official minutes.

Mr. Rohrbaugh asked when this will start and Mr. Hodgson replied on the date of Board of Supervisors approval.

Mr. Robison opened the public hearing.

The following citizens spoke in favor of the request:

- Harvey Ussery, Hume, Virginia, and
- Brenda Moorman, Hume, Virginia.

In that no one else appeared to speak for or against the request, Mr. Robison closed the public hearing.

On motion made by Mr. Sinclair and seconded by Mr. Robison, it was moved to recommend approval of the amendments. The motion carried unanimously.

15. **SUBDIVISION ORDINANCE TEXT AMENDMENT** - amend existing Subdivision Ordinance

to allow a ninety (90) day review period for preliminary plans rather than the sixty (60) days which is in the existing ordinance and bring the Fauquier County Subdivision Ordinance into conformance with Section 15-2-2260 of the Code of Virginia.

Mr. Hodgson reviewed his staff report, a copy of which is attached to and made a part of these official minutes.

Mr. Robison opened the public hearing.

In that no one appeared to speak for or against the request, Mr. Robison closed the public hearing.

On motion made by Mr. Guerra and seconded by Mr. Rohrbaugh, it was moved to recommend approval of the amendment. The motion carried unanimously.

There being no further business the meeting was adjourned at 11:10 P.M.

A tape recording of the meeting is on file for one (1) year in the Department of Community Development, 40 Culpeper Street, Warrenton, Virginia.